

1 \$35000.MFO

2 FREDERICK A. BLACK  
United States Attorney  
3 KARON V. JOHNSON  
Assistant U.S. Attorney  
4 Suite 500, Sirena Plaza  
108 Hernan Cortez Avenue  
5 Agana, Guam 96910  
Telephone: (671) 472-7332/7283  
6 Telecopier: (671) 472-7334

7 Attorneys for United States of America

8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE DISTRICT OF GUAM**

10 UNITED STATES OF AMERICA, )  
11 Plaintiff, )

12 vs. )

13 \$35,000.00 UNITED STATES )  
14 CURRENCY, )  
15 Defendant. )

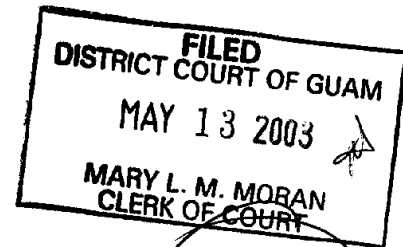
CIVIL CASE NO. 02-00026

**UNITED STATES MOTION FOR  
FINAL ORDER OF FORFEITURE**

16 COMES NOW the United States of America, by and through Karon V. Johnson, Assistant  
17 United States Attorney for the District of Guam, and respectfully moves this Honorable Court for  
18 a Final Order of Forfeiture in the above-entitled cause, and in support thereof represents to the Court  
19 the following facts:

20 1. The United States hereby incorporates by reference, as though fully set forth herein, all  
21 its averments contained in its Motion for Default Judgment and Issuance of a Preliminary Order of  
22 Forfeiture and Memorandum of Law filed on January 16, 2003. This Honorable Court entered the  
23 Preliminary Order of Forfeiture on February 10, 2003.

24 2. On March 26, 2003, Carmelleta San Nicolas, the forfeiture secretary for the United States  
25 Attorney's Office, delivered by certified mail a copy of the Motion for Default Judgment and  
26 Issuance of a Preliminary Order of Forfeiture and Memorandum of Law, Preliminary Order of



1 Forfeiture, Request for Entry of Default and Default Judgment, Entry of Default, and Default  
2 Judgment to the sole claimant of this property, Charles Kirtley. For the court's reference, Ms. San  
3 Nicolas' certificate of service is attached hereto as Exhibit 1. A copy of the original Receipt for  
4 Certified Mail Number 7001 2510 0006 8488 2132 is attached hereto as Exhibit 2, and a copy of the  
5 United States Postal Delivery Status Report is attached hereto as Exhibit 3.

6 3. The United States has not received any communication or documents from Charles  
7 Kirtley, nor to its knowledge has he filed any objection to the Preliminary Order of Forfeiture with  
8 this Honorable Court.

9 4. Pursuant to 21 U.S.C. § 853(n), third parties asserting a legal interest in the above-  
10 described forfeited properties are entitled to a judicial determination of the validity of the legal  
11 claims or interests they assert. The United States has served process on the only person known to  
12 the Plaintiff to have an interest in the defendant \$35,000.00 United States Currency, Charles Kirtley.

13 6. The United States published notification of the Court's February 10, 2003, Preliminary  
14 Order of Forfeiture in the Pacific Daily News, a newspaper of general circulation on April 5, 2003,  
15 April 12, 2003 and April 19, 2003.


16 7. No other third party has made a claim to or declared any interest in the above-described  
17 forfeited property.

18 **WHEREFORE**, the United States moves this Court for a Final Order of Forfeiture declaring  
19 the defendant \$35,000.00 in United States Currency forfeited as to all parties and vesting full right,  
20 title and interest in the defendant \$35,000.00 United States Currency in the United States and  
21 directing the United States Marshal to dispose of the defendant real property according to law.

22 Respectfully submitted this 12<sup>th</sup> day of May, 2003.

23 FREDERICK A. BLACK  
24 United States Attorney  
Districts of Guam and the NMI

25 By:

26   
KARON V. JOHNSON  
27 Assistant U.S. Attorney  
28

1 \$35,000.CR1

2 FREDERICK A. BLACK  
United States Attorney  
3 KARON V. JOHNSON  
Assistant U.S. Attorney  
4 Suite 500, Sirena Plaza  
108 Hernan Cortez Avenue  
5 Agana, Guam 96910  
Telephone: (671) 472-7332/7283  
6 Telecopier: (671) 472-7334

7 Attorneys for United States of America

FILED  
DISTRICT COURT OF GUAM  
MAR 26 2003  
MARY L. MORAN  
CLERK OF COURT

8  
9 **IN THE UNITED STATES DISTRICT COURT**  
10 **FOR THE TERRITORY OF GUAM**

11 UNITED STATES OF AMERICA, )

CIVIL CASE NO. 02-00026

12 Plaintiff, )

13 vs. )

**CERTIFICATE OF SERVICE**

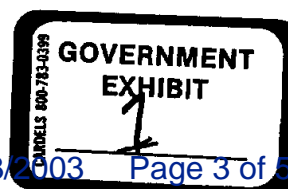
14 \$35,000.00 UNITED STATES  
15 CURRENCY, )

16 Defendant. )

17 I, CARMELLETA SAN NICOLAS, working in the United States Attorney's Office,  
18 hereby certify that on March 26, 2003, I caused to be served, by U.S. Postal Service certified mail  
19 return receipt requested, copies of the foregoing documents: **Motion for Default Judgment and**  
20 **Issuance of a Preliminary Order of Forfeiture and Memorandum of Law, Preliminary**  
21 **Order of Forfeiture, Request for Entry of Default and Default Judgment, Entry of Default,**  
22 **and Default Judgment**, in the above-referenced case to the following party: Charles Kirtley,  
23 2264 Bagdad Avenue, Orlando, Florida 32833.

24  
25 DATED: 3/26/03

  
26 CARMELLETA SAN NICOLAS  
Secretary to U.S. Attorney



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
**CHARLES KIRTLEY**  
**2264 Bagdad Avenue**  
**Orlando, Florida 32833**

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) B. Date of Delivery

*Charles Kirtley*

C. Signature

X *[Signature]*

☐ Agent

☐ Addressee

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail

☐ Registered ☐ Return Receipt for Merchandise

☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

**7001 2510 0006 8488 2132**

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

UNITED STATES POSTAL SERVICE

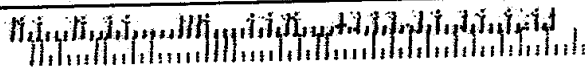


First-Class Mail  
 Postage & Fees Paid  
 USPS  
 Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

**KARON V. JOHNSON**  
**Assistant U.S. Attorney**  
**U.S. Attorney's Office**  
**Sirena Plaza, Suite 500**  
**108 Hernan Cortez Avenue**  
**Hagatna, Guam 96910**

6910+3039  
 01





## Track & Confirm

### Delivery Status

You entered 7001 2510 0006 8488 2132

Your item was delivered at 4:21 pm on April 09, 2003 in ORLANDO, FL 32828.

[Shipment History >](#)

### Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

[Go >](#)



**POSTAL INSPECTORS**  
Preserving the Trust

[site map](#) [contact us](#) [government services](#)  
Copyright © 1999-2002 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#)

